

INVENTORSHIP DECLARATION BY JOINT INVENTORS

I HEREBY DECLARE THAT:

My residence, mailing address, and citizenship are stated next to my name in PART A on hereof.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

PLANT TRANSCRIPTION FACTORS AND ENHANCED GENE EXPRESSION

the specification of which:

was filed on May 2, 2001 as Application Serial No.  
09/847,232.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed in PART B hereof and have also identified in PART B on hereof any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

I hereby claim the benefit under Title 35, United States Code §119(e) and §120, of any United States application(s) listed in PART C hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and any national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all telephone calls to Peter J. Dehlinger at (650) 838-4401. Address all correspondence to:

Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, CA 94025  
Customer No. 22918

INVENTORSHIP DECLARATION BY JOINT INVENTORSPART A: INVENTOR INFORMATION AND SIGNATUREFull name of **FIRST** inventor: Ning HuangCitizenship: PRC Mailing Address: 1226 Caricia Drive  
Davis, CA 95616

Residence (if different):

Inventor's Signature:

Date: 9/13/01Full name of **SECOND** inventor: Daichang YangCitizenship: PRC Mailing Address: 1318 F Street, #3  
Davis, CA 95616

Residence (if different):

Inventor's Signature:

Date: 9/13/01Full name of **THIRD** inventor: Yong-Sic HwangCitizenship: Korea Mailing Address: 412 Russell Park, #5  
Davis, CA 95616

Residence (if different):

Inventor's Signature:

Date: \_\_\_\_\_

Full name of **FOURTH** inventor: Robert J. SchmidtCitizenship: USA Mailing Address: 9500 Gilman Drive  
La Jolla, CA 92093

Residence (if different):

Inventor's Signature:

Date: \_\_\_\_\_

INVENTORSHIP DECLARATION BY JOINT INVENTORSPART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. 119(a-d)

Country	App. No.	Filing Date
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PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION(S) UNDER  
35 U.S.C. 119(e) AND 120

Serial No.	Filing Date	Status
<u>60/266,920</u>	<u>2/6/01</u>	<input checked="" type="checkbox"/> Abandoned
<u>60/201,182</u>	<u>5/2/00</u>	<input checked="" type="checkbox"/> Abandoned

Attorney Docket No. 0665-0018.30

**INVENTORSHIP DECLARATION BY JOINT INVENTORS**

**PART A: INVENTOR INFORMATION AND SIGNATURE**

Full name of FIRST inventor: Ning Huang

Citizenship: PRC Mailing Address: 1226 Caricia Drive  
Davis, CA 95616

Residence (if different):

**Inventor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Full name of SECOND inventor: Daichang Yang

Citizenship: PRC Mailing Address: 1318 F Street, #3  
Davis, CA 95616

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of THIRD inventor: Yong-Sic Hwang

Citizenship: Korea Mailing Address: 412 Russell Park, #5  
Davis, CA 95616

Residence (if different):

Inventor's Signature:  Date

Full name of fourth inventor: Robert V. Schmidt

Citizenship: USA Mailing Address: 9500 Gilman Drive  
La Jolla, CA 92093

Residence (if different):

**Inventor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **INVENTORSHIP DECLARATION BY JOINT INVENTORS**

PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. 119(a-d)

**PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION(S) UNDER  
35 U.S.C. 119(e) AND 120**

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
<u>60/266,920</u>	<u>2/6/01</u>	<input checked="" type="checkbox"/> Abandoned
<u>60/201,182</u>	<u>5/2/00</u>	<input checked="" type="checkbox"/> Abandoned

3 of 4

INVENTORSHIP DECLARATION BY JOINT INVENTORSPART A: INVENTOR INFORMATION AND SIGNATUREFull name of FIRST inventor: Ning HuangCitizenship: PRC Mailing Address: 1226 Caricia Drive  
Davis, CA 95616

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of SECOND inventor: Daichang YangCitizenship: PRC Mailing Address: 1318 F Street, #3  
Davis, CA 95616

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of THIRD inventor: Yong-Sic HwangCitizenship: Korea Mailing Address: 412 Russell Park, #5  
Davis, CA 95616

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of FOURTH inventor: Robert J. SchmidtCitizenship: USA Mailing Address: 9500 Gilman Drive  
La Jolla, CA 92093

Residence (if different):

Inventor's Signature: R.J. Schmidt Date: 9/7/01INVENTORSHIP DECLARATION BY JOINT INVENTORSPART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. 119(a-d)

Country App. No. Filing Date

PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION(S) UNDER35 U.S.C. 119(e) AND 120

Serial No.	Filing Date	Status
60/266,920	2/6/01	<input checked="" type="checkbox"/> Abandoned
60/201,182	5/2/00	<input checked="" type="checkbox"/> Abandoned

#6



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

By: Lynnea B. Anderson

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## IN RE APPLICATION OF:

Ning Huang et al.

SERIAL No.: 09/847,232

FILED: May 2, 2001

FOR: PLANT TRANSCRIPTION FACTORS AND  
ENHANCED GENE EXPRESSION

EXAMINER: Unknown

ART UNIT: 1645

Power of Attorney by Assignee and Certification  
Under 37 CFR §3.73(b)

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

I, the undersigned, acting on behalf of the Assignee of

- an undivided share of the entire right, title, and interest
- the entire right, title and interest

in the above-identified patent application, appoint the attorneys and agents listed below to prosecute this application and transact all business with the U.S. Patent and Trademark Office in connection therewith. This appointment is to the exclusion of the inventor(s) and their attorney(s) and agent(s) in accordance with the provisions of 37 CFR 3.71.

All prior powers of attorney for this application are hereby revoked. The appointed representatives are:

Peter J. Dehlinger, Registration No. 28,006  
Judy M. Mohr, Registration No. 38,563  
LeeAnn Gorthey, Registration No. 37,337  
Linda R. Judge, Registration No. 42,702  
Larry W. Thrower, Registration No. 47,994  
Jacqie F. Mahoney, Registration No. P48,390  
Barbara Courtney, Registration No. 42,442  
Richard Gregory, Jr., Registration No. 42,607  
Michael Martensen, Registration No. 46,901  
all affiliated with Perkins Coie LLP.

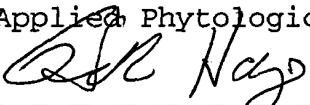
Direct all telephone calls to Peter J. Dehlinger at (650) 838-4401. Address all correspondence to:

**Perkins Coie LLP**  
**P.O. Box 2168**  
**Menlo Park, CA 94026**  
**Telephone: (650) 838-4300**  
**Customer No. 22918**

In accordance with 37 CFR 3.73(b), I hereby certify that I am empowered to act on behalf of the Assignee. To the best of my knowledge and belief, title is in the Assignee, as evidenced by the Assignment noted above.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC §1001 and that such willful false statements may jeopardize the validity of the this application or any patent resulting therefrom.

**ASSIGNEE:** Applied Phytologics, Inc.

Signature: 

Typed Name: FRANK HAGIE

Title: PRESIDENT AND CEO

Date: 9/13/01

Address: 4110 N. Freeway Blvd.  
Sacramento, CA 95834

O I P E  
SEP 24 2001

## RECORDATION FORM COVER SHEET

**PATENTS ONLY**

To the ~~Assistant Commissioner for Patents~~ Assistant Commissioner for Patents: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):  
 Ning Huang  
 Daichang Yang  
 Yon-Sic Hwang  
 Robert J. Schmidt

Add'l names of conveying parties attached?  
 Yes  No

3. Nature of conveyance:  Assignment  
 Merger  Security Agreement  Other  
 Change of Name  Reassignment

4. Date(s) of execution: 9/13/01;  
9/13/01; 9/13/01; and 9/7/01,  
 respectively

Name/address of receiving party(ies):  
 Applied Phytologics, Inc.

4110 North Freeway Blvd.  
 Sacramento, CA 95834

5. Application number(s) and/or patent number(s):

If this document is being filed with a new application, the date of signature by the first named inventor was: \_\_\_\_\_.

A. Patent Application No.(s)  
 09/847,232 filed May 2, 2001

Patent No.(s)

Additional numbers attached:  Yes  No

6. Name and address of party to whom correspondence concerning document should be mailed:

**Perkins Coie LLP**  
 P.O. Box 2168  
 Palo Alto, CA 94026  
 (650) 838-4300

7. Total No. of applications and patents involved:  
one (1)

8. Total fee (37 CFR §3.41): \$40.00  
 Please charge Deposit Account No.  
50-0665 for the amount due.

9. Total number of pages, including cover sheet, attachments and document: 8

**COPY**

DO NOT USE THIS SPACE

10. Statement and signature:

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Peter J. Dehlinger  
 Name of Person Signing

Peter J. Dehlinger  
 Signature

09-18-01  
 Date